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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,187	10/06/2005	Remo Bello	C&P-142US	8418
23122	7590	04/03/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER CRANE, DANIEL C	
			ART UNIT 3725	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/532,187

Applicant(s)

BELLO, REMO

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/21/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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## **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1 and those claims depending therefrom, the phrase "and the like" renders the claims indefinite because the claims includes elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sunaga (6,125,527). See Figures 7 where the semi finished product 2 can be blanked with an allowance "a" (Figure 7) and finally blanked to remove the allowance and produce the finished contour of the product at 4 (Figure 7). Figure 9 also shows that an allowance can be left on the blanked product and finally removed to impart a final contour to the product.

Claims 2-3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunaga (6,125,527). The amount of allowance is dependent upon the extent of fine blanking is desired. Accordingly, since Sunaga is drawn to a fine edge blanking operation, it is maintained that Sunaga would envision small allowances. Accordingly, since the size of the allowance has not be indicated as critical, it is maintained that Sunaga's allowance would fall within the parameters of the claimed method and would have been obvious to the skilled artisan at the time of the invention so as to produce fine edge blanked products. As to the specific product being blanked, this is also considered a matter of preference, such being clearly admitted by applicant on page 2, lines 20-24, of the specification. Further, Sunaga notes that his invention is not limited to the specific product (see column 2, lines 58-62) being manufactured. The material used in the product would have been based upon the intended use of the product and would have clearly been a selection within the purview of the skilled artisan.

Claims 1-3 and 6 are further rejected under 35 U.S.C. 102(b) as being anticipated by Nishiyama (Japanese document no. 57-4327). See the Figures where the preformed product 4 is

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blanked using a tandem blanking implement 8 and 9 that produces an allowance during the first blanking stage by punch 8 and is removed by the second blanking stage by punch 9. As set out in section 4, page 140, the allowance can be between 0.1mm-0.2mm. As to claim 6, note that the product 4 has a stepped cup shape. Accordingly, the stepped surfaces ("pair of locating appendages") locate the product 4 on the die 3.

Claims 4, 5, 9 and 10 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama (Japanese document no. 57-4327). Tumbling is well known in the art as a finishing process to remove extraneous filings or burrs from the blanked products. Accordingly, such a provision within Nishiyama's process would have been obvious to the skilled artisan so as to remove any burrs or filings using a fine tumbling to finish the blanked gear. Nishiyama shows that the product 4 is deformed into a semi-finished configuration. Clearly, the use of coining would have been obvious in light of the fact that coining is known to improve the metal characteristics of the product. As to claims 9 and 10, the comments set forth above in the paragraph discussing Sunaga are incorporated herein.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

### **INQUIRIES**

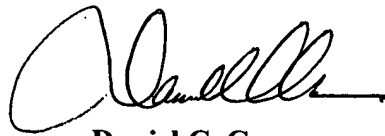
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571) 273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Crane', with a large, stylized initial 'D'.

DCCrane  
March 28, 2007

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725